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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/418,397

10/14/1999

MICHAEL C. WHITFIELD

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10/18/2004

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EXAMINER

MILLS, DONALD L

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/418,397	<b>Applicant(s)</b> WHITFIELD ET AL.	
	<b>Examiner</b> Donald L Mills	<b>Art Unit</b> 2662	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-81.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 5. The request for reconsideration does not place the application in condition for allowance because: applicants arguments were carefully reviewed, but were not found persuasive. However, the Examiner appreciates the Applicant's remarks for further clarification.

Regarding claim 1, the applicant argues that Figure 2 of Arnaud illustrates the incoming signal from channel 200 is presented in parallel to DTMF detector 203 and filter 201; therefore, the DTMF detector 203 does not delay the transmission of the stored packets. However, the Examiner has cited the DTMF detector 203, not the filter 201, as a method and apparatus for anticipating a broad and literal interpretation of the claimed invention, which follows:

*If a potential DTMF signal is detected, storing the digital packets and stalling transmission of stored digital packets until DTMF detection can be performed (Referring to Figures 2 and 12, DTMF detector (203) detects and validates DTMF signals, inherently requiring the storing of packets and intrinsically delaying the transmission of the stored packets until validation is completed, in order to process the packets. See column 5, lines 26-28,) and if the potential DTMF signal does not result in a DTMF detection, promptly transmitting the digital packets (Referring to Figure 7, when no DTMF signal is pre-detected the voice traffic is transmitted after a delay. See column 5, lines 61-62,) and if the potential DTMF signal does result in a DTMF detection, discarding the stored digital packets and transmitting a control packet containing information relating to characteristics of a DTMF signal that was detected (Referring to Figures 2 and 9b, after the DTMF Detector (203) has determined that a candidate DTMF*

signal is a true DTMF signal, the DTMF signal is coded for transmission, comprising the DTMF signal characteristics. See column 5, lines 42-46 and 65-67.)

Therefore the cited DTMF detector 203, taken alone, anticipates the claimed invention.



**JOHN PEZZLO**  
**PRIMARY EXAMINER**